

UNITED STATES U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MODION MARITIME MANAGEMENT SA,
individually and on behalf of
M/V STEFANOS T (IMO No. 9583744),

Plaintiff,

-against-

O.W. BUNKER MALTA LIMITED, O.W.
BUNKER MIDDLE EAST DMCC, GPS
CHEMOIL LLC FZC, CHEMOIL MIDDLE EAST
DMCC, ING BANK N.V.

Defendants.

15-CV-8084 (VEC)

WESTERN BULK CARRIERS AS and
WESTERN BULK CHARTERING AS
individually and on behalf of
M/V LONG LUCKY (IMO No. 9471654)

Plaintiffs,

-against-

O.W. BUNKER & TRADING A/S, O.W. SUPPLY
& TRADING A/S, U.S. OIL TRADING, LLC
AND ING BANK N.V.

Defendants.

15-CV-8304 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on March 7, 2016, ING Bank N.V. (“ING”) filed a motion to dismiss the complaint for lack of personal jurisdiction or in the alternative to compel arbitration in *Modion Maritime Management SA et al v. O.W. Bunker Malta Limited et al.*, 15-CV-8084, Dkt. 31;

WHEREAS on March 7, 2016, ING filed a motion to compel arbitration in *Western Bulk Carriers AS v. O.W. Bunker & Trading A/S et al.*, 15-CV-8304, Dkt. 27; and

WHEREAS on April 22, 2021, the parties appeared for oral argument on both sets of motions;

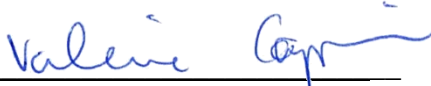
IT IS HEREBY ORDERED that for the reasons stated at the hearing, ING's motion to dismiss the complaint in *Modion*, 15-CV-8084, for lack of personal jurisdiction is DENIED.

IT IS FURTHER ORDERED that for the reasons stated at the hearing, a written opinion will be forthcoming regarding the motions to compel arbitration filed in both matters. By no later than **Thursday, May 6, 2021**, ING must inform the Court whether it plans to appeal the Court's planned denial of these motions; if it does not, the Court will then set a discovery schedule. If it does, a written opinion will follow.

The Clerk of Court is respectfully directed to lift the stays in both cases.

SO ORDERED.

Date: April 22, 2021
New York, New York


VALERIE CAPRONI
United States District Judge